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PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

June 30, 1998

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: Petition for Rule Making (Blackshear and Waycross, Georgia)

Dear Ms. Salas:

Transmitted herewith, on behalf of Mattox-Guest Broadcasting, Inc., is an original and four (4) copies of a petition for rule making seeking changes in the Commission's FM Table of Allotments.

Any questions regarding this matter should be addressed to the undersigned.

Sincerely,


William J. Pennington, III
COUNSEL TO MATTOX-GUEST BROADCASTING, INC.

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Enc.

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JUL 6 1993

FED MAIL ROOM

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No.
Table of Allotments) RM-
FM Broadcast Stations)
(Blackshear and Waycross, Georgia)

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Mattox-Guest Broadcasting, Inc. ("Petitioner"), licensee of Station WKUB(FM), Blackshear, Georgia, by their counsel, hereby requests the following changes to the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. It is proposed that Station WKUB(FM) change its community of license from Blackshear to Waycross, Georgia to provide another service to that much larger community. These proposed changes are summarized as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Blackshear, Georgia	286C2	---
Waycross, Georgia	249A, 273C1, 277C1	249A, 273C1 277C1, 286C2

In support hereof, the petitioner states the following:

I. Technical Compliance

1. Station WKUB(FM) is presently licensed with Class C3 facilities on Channel 286; 25.0 kilowatts at an antenna height of 94 meters above the average terrain. The Commission, on April 24, 1998, granted a one step upgrade to Class C2 for Station WKUB(FM). The allocation coordinates for Channel 286C2 at Blackshear are North Latitude 31-11-34, West Longitude 82-24-07. These allocation coordinates are 4.5 kilometers southwest of downtown Waycross. The coordinates of the antenna site for the recently granted outstanding construction permit for WKUB(FM)'s Class C2 operation are North Latitude 31-10-54, West Longitude 82-22-49. This application was granted under Section 73.215 of the Commission's Rules. The antenna site is 4.2 kilometers south of downtown Waycross. As is demonstrated in the attached Exhibit 1, Channel 286C2 can be allotted to Waycross at the same allocation coordinates used for the allocation of Channel 286C2 to Blackshear. From the proposed allocation coordinates Channel 286C2 would easily place city grade coverage over all of Waycross as well as provide line of site coverage to the complete community. Exhibit 2 is a map showing the 70 dBu coverage of Waycross from the proposed allocation coordinates. Exhibit 3 is a channel spacing study from Station WKUB(FM)'s construction permit antenna site. Exhibit 4 is a map showing the 70 dBu coverage of Waycross from the construction permit antenna site.

II. Change in Community of License

2. Waycross, an incorporated entity, is located in Ware

County and is a thriving community in need of another local service. Waycross has three licensed FM facilities and no licensed AM facilities. Two of the FM stations licensed to Waycross are Class C1 facilities. These two stations have long since abandoned Waycross in favor of Brunswick, Georgia and Jacksonville, Florida. Neither station has any meaningful presence in Waycross. The other FM station licensed to Waycross is a Class A facility.

3. In Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989) recons. granted in part, 5 FCC Rcd 7094 (1990) (hereinafter "Community of License") the Commission stated that it would allow a station to change its community of license provided it met certain criteria: (1) the proposed channel must be mutually exclusive with the existing channel; (2) the new community must be preferred over the existing community under the Commission's allotment priorities; and (3) the existing community may not be deprived of its only existing service.

4. The proposed use of Channel 286C2 at Waycross conflicts with the existing use of Channel 286C2 at Blackshear. See Exhibit 1. The proposed reallocation from Blackshear to Waycross will provide a local service to a much larger community -- Waycross (16,410) than Blackshear (3,263). The community of Blackshear will continue to receive service from Station WGIA(AM) which is licensed to the community. It is presently licensed for operation on 1350 kilohertz with a power of 2.5 kilowatts.

5. Both Waycross and Blackshear receive five or more

reception services and considered to be well-served. Exhibit 5 shows coverage of the five city grade signals over the community of Blackshear. Since Station WKUB(FM) does not seek to relocate its transmitter site from that outlined in its recently granted construction permit, the proposed reallocation will not result in any gain or loss areas, and the station will continue to provide Blackshear with city-grade (70 dBu) coverage.

6. Neither Waycross or Blackshear are located in or near an urbanized area. The Station WKUB(FM) 70 dBu service contour does not penetrate any urbanized area.

6. The Petitioner hereby states that it will file an application to change its community of license immediately if the Commission issues a report and order authorizing the requested reallocation from Blackshear to Waycross.

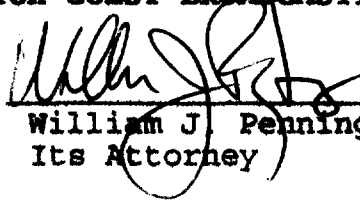
Conclusion

7. The public interest would be served by the proposed reallocation of Channel 286C2. Although Waycross has three other FM channel allotments, only one of those facilities is located in and programs to the residents of Waycross. The reallocation of Channel 286C2 from Blackshear to Waycross would allow a community of over 16,000 persons to have two stations located in and programming to the larger community without denying service to the community of Blackshear. Accordingly, the petitioner urges the Commission to grant this proposal.

Respectfully submitted,

MATTOX-GUEST BROADCASTING, INC.

By:



William J. Pennington, III
Its Attorney

William, J. Pennington, III
Attorney at Law
Post Office Box 403
Westfield, MA 01086
(413) 562-3341

Dated: June 30, 1998

ALLOCATION POINT 286C2 WAYCROSS GA

REFERENCE

31 11 34 N

82 24 07 W

CLASS = C2

Current Spacings

DISPLAY DATES

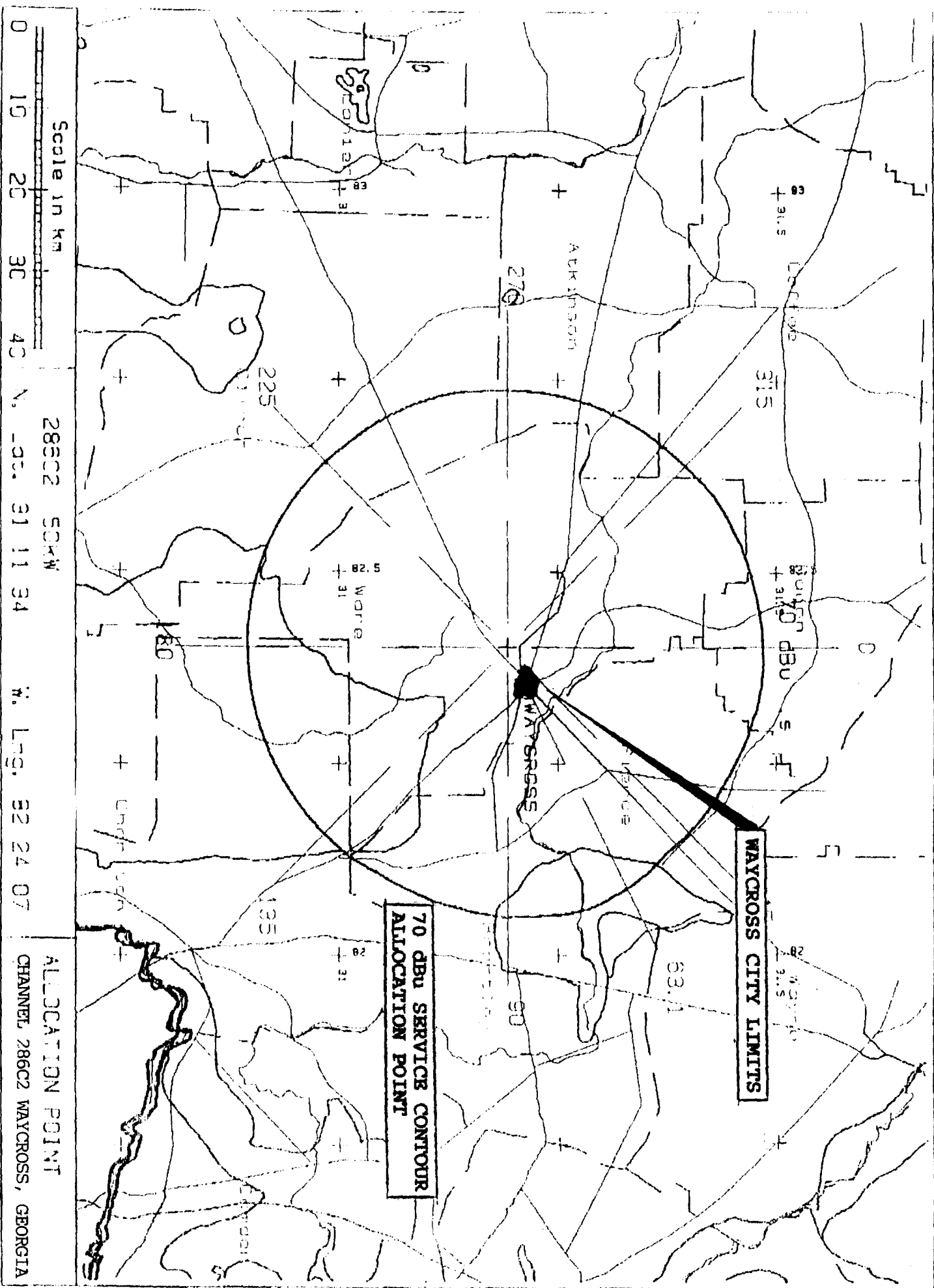
DATA 05-29-98

SEARCH 06-26-98

----- Channel 286 - 105.1 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WKUB.C CP	286C2	Blackshear	GA	2.40	120.9	190.0	-187.60
WKUB LI	286C3	Blackshear	GA	13.12	53.1	177.0	-163.88
WBTY LI	288A	Homerville	GA	47.43	248.3	55.0	-7.57***
WMCG LI	285A	Milan	GA	106.16	321.3	106.0	0.16
AP287 APD	287A	Fernandina Beach	FL	107.40	128.0	106.0	1.40
AP287 APD	287A	Fernandina Beach	FL	107.40	128.0	106.0	1.40
WMCG.C CP	285C2	Milan	GA	131.69	321.8	130.0	1.69
ALOPEN AL	287A	Fernandina Beach	FL	107.71	122.6	106.0	1.71
AP287 APD	287A	Fernandina Beach	FL	108.61	123.7	106.0	2.61
AP287 APD	287A	Fernandina Beach	FL	109.00	122.2	106.0	3.00
AP287 APG	287A	Fernandina Beach	FL	109.16	122.2	106.0	3.16
WIFOEM CP	288C3	Jesup	GA	63.57	44.2	56.0	7.57
WIFOEM LI	288A	Jesup	GA	63.57	44.2	55.0	8.57
WSTIFM LI	287A	Quitman	GA	114.95	248.7	106.0	8.95
WFYVEM LI	283C	Atlantic Beach	FL	129.45	141.7	105.0	24.45
WBYZ LI	233C	Baxley	GA	65.95	356.0	35.0	30.95
WHCG LI	285A	Metter	GA	137.98	14.1	106.0	31.98
WRHQ LI	287C3	Richmond Hill	GA	153.92	51.5	117.0	36.92
WHVL.C CPM	284C3	Hinesville	GA	96.60	40.2	56.0	40.60
WXQL LI	289A	Baldwin	FL	97.58	158.4	55.0	42.58
WYOC LI	285A	High Springs	FL	152.96	186.2	106.0	46.96
WFLV LI	285C2	Havana	FL	187.84	249.4	130.0	57.84
WDENFM LI	287C1	Macon	GA	217.12	330.9	158.0	59.12
WYKS LI	287A	Gainesville	FL	173.10	180.5	106.0	67.10
WOMXFM LI	286C	Orlando	FL	316.61	155.9	249.0	67.61

***CHANNEL 254A SUBSTITUTED FOR CHANNEL 288A AT HOMERVILLE, GEORGIA AS PER ORDER FROM COMMISSION.



FROM CP SITE 286C2 BLACKSHEAR GA

REFERENCE
31 10 54 N
82 22 49 W

CLASS = C2
Current Spacings

DISPLAY DATES
DATA 05-29-98
SEARCH 06-27-98

----- Channel 286 - 105.1 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WKUB.C CP	286C2	Blackshear	GA	0.00	0.0	190.0	-190.00
WKUB LI	286C3	Blackshear	GA	12.40	42.7	177.0	-164.60
WBTY LI	288A	Homerville	GA	48.94	250.6	55.0	-6.06**
AP287 APD	287A	Fernandina Beach	FL	105.01	128.2	106.0	-0.99***
AP287 APD	287A	Fernandina Beach	FL	105.01	128.2	106.0	-0.99***
ALOPEN AL	287A	Fernandina Beach	FL	105.30	122.6	106.0	-0.70***
AP287 APD	287A	Fernandina Beach	FL	106.21	123.7	106.0	0.21
AP287 APD	287A	Fernandina Beach	FL	106.60	122.2	106.0	0.60
AP287 APG	287A	Fernandina Beach	FL	106.76	122.3	106.0	0.76
WMOG LI	285A	Milan	GA	108.41	320.8	106.0	2.41
WMOG.C CP	285C2	Milan	GA	133.94	321.4	130.0	3.94
WFOFM CP	288C3	Jesup	GA	63.05	42.1	56.0	7.05
WFOFM LI	288A	Jesup	GA	63.05	42.1	55.0	8.05
WSTIFM LI	287A	Quitman	GA	116.44	249.6	106.0	10.44
WFYVFM LI	283C	Atlantic Beach	FL	127.20	142.0	105.0	22.20
WBYZ LI	233C	Baxley	GA	67.35	354.3	35.0	32.35
WHCG LI	285A	Metter	GA	138.69	13.2	106.0	32.69
WRHQ LI	287C3	Richmond Hill	GA	153.08	50.7	117.0	36.08
WHVL.C CPM	284C3	Hinesville	GA	96.23	38.8	56.0	40.23
WXQL LI	289A	Baldwin	FL	95.68	159.3	55.0	40.68
WYOC LI	285A	High Springs	FL	151.97	187.1	106.0	45.97
WFLV LI	285C2	Havana	FL	189.36	250.0	130.0	59.36
WDENFM LI	287C1	Macon	GA	219.21	330.6	158.0	61.21
WOMXFM LI	286C	Orlando	FL	314.64	156.2	249.0	65.64
WYKS LI	287A	Gainesville	FL	171.90	181.2	106.0	65.90

*** STATION WKUB(FM)'S CONSTRUCTION PERMIT WAS GRANTED UNDER SECTION 73.215 AND PROVIDES CONTOUR PROTECTION TO THE FERNANDIAN BEACH APPLICANTS.

** CHANNEL 254A WAS SUBSTITUTED FOR CHANNEL 288A AT HOMERVILLE, GEORGIA. THUS, NO SHOT SPACING EXISTS.

